

Protections and Benefits
Of the
CSKT water compact 2013
(Compact, Ordinance, FIIP Agreement)

1. Provides certainty
2. Avoids costly and un-necessary litigation.
3. Protects valid existing claims as decreed by the Montana Water Court
4. Protects Permits (Pre 1996)
5. Allows a process for post 1996 permits
6. Allows a process for water use changes
7. No-call on on-reservation non-irrigation uses
8. No-call on irrigation from GW <100 GPM
9. No-call on up-stream (north of Reservation) water rights except Flathead Lake, Main stem Flathead River and North, South and Middle Forks Flathead River
10. 11KAF for mitigation from development off-Reservation, out of the Tribal water from the Flathead System, off-Reservation.
11. Limitations on enforcements of aboriginal rights
12. No Claims to water East of the Divide (Eastern Montana)
13. Co-ownership: Clark Fork, Kootenai, Upper Flathead
14. Co-ownership: Milltown Dam water rights w/10 year enforcement deferral.
15. Administrative process to secure new water uses
16. Administrative process to register un-registered water uses
17. Streamlined process for domestic and stock water applications
18. Unitary Administration (on-reservation only)
19. Beneficial interest in contracts to Painted Rocks and Como in the Bitterroot
20. Administration where none exists now. (No compact = status quo = no water administration)
21. Changes to the compact require agreement by both parties
22. Water management board with State Appointments
23. 1855 priority date for FIIP (Settles competing claims for FIIP water)
24. 1855 priority date for junior FIIP water users
25. Farm turn out allowance protected (After Minimum Enforceable Flows and before Target In stream flow)
26. Access to Measured Water Use Allowance if more water is needed.
27. Increased pumping allowance (+25KAF to 65KAF)
28. Option to purchase more water if needed
29. Annualized power subsidy (Was a monthly cap)
30. Re-evaluate Farm Turnout Allowance (FTA) at 10 year increments
31. Improved efficiencies of the FIIP
32. Saved water (after FTA + MEF) split between ISF and Irrigation.
33. Near FIIP water users eligible for no-call if they enter in to agreements (lesser of FTA or historic use)
34. 5-7 year (or more) deferral period of MEF/TIF
35. MWUA may the delay the TIF further
36. State contribution
37. Federal contribution
38. Project rehabilitation
39. Jobs
40. Local control and management